

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

MANUEL RODRIGUEZ *et al.*,

Plaintiffs

v.

CAPITAL COMMERCIAL SOLUTIONS, LLC
et al.,

Defendants

Case No.: 1:17-cv-112-TSE-JFA

Declaration of Simon Y. Sandoval-Moshenberg, Esq.

1. My name is Simon Y. Sandoval-Moshenberg (VSB No. 77110). I am over 18 years of age and competent to make this declaration. I was counsel for the petitioners in the above-captioned litigation.

Experience

2. I am the Legal Director of the Immigrant Advocacy Program at the Legal Aid Justice Center (LAJC).

3. I am a 2008 graduate of the Yale Law School, where I was awarded the C. LaRue Munson prize for excellence in clinical practice. I was admitted to practice in Virginia in October 2008 and before the Eastern District of Virginia in November 2008. I have been named a SuperLawyers Rising Star for Virginia every year since 2015. In 2016, I was awarded the Legal Aid Lawyer of the Year award from the Virginia State Bar. In 2017, I was named an “Up & Coming Lawyer” by Virginia Lawyers Weekly/Leaders in the Law. I am fluent in English and Spanish.

4. I have been counsel of record in 46 cases in the Eastern District of Virginia, twelve of which involved claims under the Fair Labor Standards Act; six cases in the Western District of Virginia; and four cases before the Fourth Circuit Court of Appeals; as well as countless cases before Virginia state courts, including a case now pending before the Virginia Supreme Court. My regular practice areas include immigration and civil rights litigation, as well as other traditional poverty law practice areas such as employment, consumer protection, housing, and access to education.

Rates and Hours Reasonably Expensed

5. The Legal Aid Justice Center is prohibited by our state charter from charging fees to our clients. However, this does not prevent us from seeking an award of fees under federal fee-shifting statutes including the FLSA, 29 U.S.C. § 216(b). In any event, under the FLSA and *Barber v. Kimbrell's, Inc.*, 577 F.2d 216 (4th Cir. 1978), the actual attorney's fee paid by the client has little relevance.

6. I am seeking a rate of \$425/hour for my work in this case. The Legal Aid Justice Center generally applies a rate of \$425/hour for federal court litigation for managing attorneys and legal directors, who are the equivalent of "partners" in the organization. Most recently, I was awarded a rate of \$425/hour by Judge Ellis in *Avila Flores v. Rababeh*, Civ. No. 1:15-cv-01415-TSE-TCB, and by Judge Brinkema in *Garcia Galdamez v. I.Q. Data International, Inc.*, Civ. No. 1:15-cv-1605-LMB-JFA.

7. My requested rate comports with the ruling of Judge Brinkema in *MTU America Inc. v. Swiftships Shipbuilders LLC et al.*, Civ. No. 1:14-cv-773, in which she approved a rate of \$400/hour for a partner with 9 years of experience (Elizabeth Locke). That decision was entered

over two years ago. The rates are also substantially below the *Laffey* Matrix rates, and below the *Vienna Metro* Matrix rates.

8. I kept track of my work in this case on a contemporaneous basis by entering my time into our proprietary case management software, JusticeServer. On September 19, 2017, I pulled all of my time entries from JusticeServer related only to the Motion for Default Judgment [Dkt. #43] and the Objection to the Magistrate Judge's Report and Recommendation [Dkt. #49]. In the exercise of billing discretion, I then eliminated various time entries and reduced various other time entries. I also deleted all entries for case strategy discussion with co-counsel. Please note that we are not seeking any fees for the pro bono attorneys from the law firm of Latham and Watkins.

9. I am now seeking an award of fees for the following work:

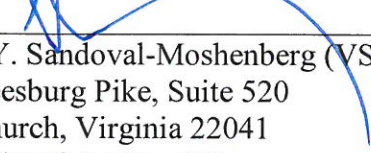
Date	Description	Total Time for this Activity
7/26/2017	Review and revise Motion for Default Judgment	.4
7/27/2017	Revise Motion for Default Judgment	.5
7/28/2017	Finalize Motion for Default Judgment; draft Notice of Hearing Date and Proposed Order; arrange all exhibits to Motion for Default Judgment; file on ECF	1.6
8/23/2017	Review and revise Objection	0.4

10. Accordingly, as of the date of executing this declaration, I have reasonably expended a total of 2.9 hours x \$425/hour = **\$1,232.50** as counsel for petitioners in this case.

11. I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

LEGAL AID JUSTICE CENTER

By: 
Simon Y. Sandoval-Moshenberg (VSB No.: 77110)
6066 Leesburg Pike, Suite 520
Falls Church, Virginia 22041
Ph: (703) 778-3450 x 605
Fax: (703) 778-3454
simon@justice4all.org

Date: 9/21/2017